

**IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF ILLINOIS  
WESTERN DIVISION**

Dontee L. Brown (20866), )  
                                )  
                                )  
Plaintiff,                 )  
                                )                              Case No. 16 C 50337  
v.                            )  
                                )  
                                )                              Judge Philip G. Reinhard  
                                )  
Sheriff Kelly C. Wilhelm, et al., )  
                                )  
                                )  
Defendants.                 )

**ORDER**

Based on the representations in attorney Groat's April 27, 2017 notice [12], the court relieves attorney Groat of his assignment. The court declines to appoint new counsel. Plaintiff's pending motion for attorney representation [14] is denied. If plaintiff wishes to proceed with this action, he must submit a *pro se* amended complaint within 60 days. Plaintiff's failure to comply with this order will result in summary dismissal of this case. The clerk is instructed to send plaintiff an amended complaint form and instructions, along with a copy of this order.

**STATEMENT**

On April 25, 2017, plaintiff's recruited counsel (attorney James G. Groat) filed a notice with the court indicating that he cannot amend plaintiff's *pro se* complaint. [12]. In this notice, attorney Groat informs the court as to the following: (1) that he has personally visited plaintiff in the Whiteside County Jail on three separate occasions; (2) that he has interviewed plaintiff to investigate the relevant facts supporting the factual allegations and legal claims made by plaintiff in his *pro se* complaint; (3) that as part of his investigation, he acquired plaintiff's medical records, as were compiled while plaintiff has been in the custody of the defendant Sheriff of Whiteside County, Illinois; (4) he has provided copies of the aforementioned records to plaintiff and he has conferred with plaintiff concerning the factual content of each medical record and of his professional opinion as to the legal implications thereof within the context of the claims made by plaintiff in his *pro se* complaint; (5) that counsel has researched and reviewed the body of law applicable to plaintiff's claims; (6) that while meeting with plaintiff, he has discussed and reviewed the pleadings, orders of this court, the applicable law, plaintiff's rights and counsel's duties; (7) that, for investigative purposes, he has also conferred with counsel for the Whiteside County Sheriff; and (8) that upon counsel's investigation of the legal claims and factual matters contained with plaintiff's *pro se* complaint, and in considering his obligations under Rule 11, of the Federal Rules of Civil Procedure, he cannot, in good faith, amend plaintiff's *pro se* complaint. [12] at 1-2. Based on these representations, the court relieves attorney Groat of his assignment.

Moreover, based on attorney Groat's representations that he met with plaintiff on numerous occasions, conducted what appears to be a thorough investigation of plaintiff's case, and, after doing so, could not, in good faith, file an amended complaint, the court declines to represent new counsel to represent plaintiff. Plaintiff's pending motion for attorney representation [14] is therefore denied.

If plaintiff wishes to proceed with this action, he must submit a *pro se* amended complaint by the aforementioned date. If he chooses to do so, he should consider focusing his amended pleading on the particular allegations that the court determined in its December 2, 2016 order arguably stated a colorable medical deliberate indifference claim (at least at the initial pleading stage). Plaintiff's failure to submit a *pro se* amended complaint in accordance with this order will result in summary dismissal of this case. Plaintiff must write both the case number and the Judge's name on the amended complaint, sign it, and return it to the Prisoner Correspondent. Plaintiff is cautioned that an amended pleading supersedes (replaces) the previous complaint and must stand complete on its own. Therefore, all allegations against all defendants must be set forth in the amended complaint, without reference to the original complaint. The clerk will provide plaintiff with an amended complaint form and instructions.

Date: 5/05/2017

ENTER:



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United States District Court Judge

Docketing to Mail Notices. (LC)